

108TH CONGRESS  
1ST SESSION

# S. 684

To create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

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## IN THE SENATE OF THE UNITED STATES

MARCH 21, 2003

Mr. SMITH (for himself, Mr. WYDEN, Mr. ALLARD, Mr. BAYH, Mr. BOND, Mr. BROWNBACK, Mr. MILLER, Mr. NICKLES, Mr. SANTORUM, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Koby Mandell Act of  
5       2003”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Numerous American citizens have been  
9       murdered or maimed by terrorists around the world,  
10      including more than 100 murdered since 1968 in  
11      terrorist attacks occurring in Israel or in territories  
12      administered by Israel or in territories administered  
13      by the Palestinian Authority.

14             (2) Some American citizens who have been vic-  
15      tims of terrorism overseas, especially those harmed  
16      by terrorists operating from areas administered by  
17      the Palestinian Authority, have not received from  
18      the United States Government services equal to  
19      those received by other such victims of overseas ter-  
20      rorism.

21             (3) The United States Government has not de-  
22      voted adequate efforts or resources to the apprehen-  
23      sion of terrorists who have harmed American citi-  
24      zens overseas, particularly in cases involving terror-  
25      ists operating from areas administered by the Pales-

1       tinian Authority. Monetary rewards for information  
2       leading to the capture of terrorists overseas, which  
3       the Government advertises in regions where the ter-  
4       rorists are believed to be hiding, have not been ad-  
5       vertised in areas administered by the Palestinian  
6       Authority.

7           (4) This situation is especially grave in the  
8       areas administered by the Palestinian Authority, be-  
9       cause many terrorists involved in the murders of  
10      Americans are walking free there; some of these ter-  
11      rorists have been given positions in the Palestinian  
12      Authority security forces or other official Palestinian  
13      Authority agencies; and a number of schools, streets,  
14      and other public sites have been named in honor of  
15      terrorists who were involved in the murders of  
16      Americans.

17          (5) To remedy these and related problems, an  
18      office should be established within the Department  
19      of Justice for the purpose of ensuring equally vig-  
20      orous efforts to capture all terrorists who have  
21      harmed American citizens overseas and equal treat-  
22      ment for all American victims of overseas terrorism.

1 **SEC. 3. ESTABLISHMENT OF AN OFFICE OF JUSTICE FOR**  
2 **VICTIMS OF OVERSEAS TERRORISM IN THE**  
3 **DEPARTMENT OF JUSTICE.**

4 (a) IN GENERAL.—There is established within the  
5 Department of Justice an Office of Justice for Victims  
6 of Overseas Terrorism (in this Act referred to as the “Of-  
7 fice”) to carry out the following activities:

8 (1) REWARDS FOR JUSTICE.—

9 (A) IN GENERAL.—The Office shall as-  
10 sume responsibility for administration of the  
11 Rewards for Justice program and its website.

12 (B) ADMINISTRATION.—In administering  
13 the Rewards for Justice program the Office  
14 shall ensure that—

15 (i) rewards are offered to capture all  
16 terrorists involved in harming American  
17 citizens overseas, regardless of the terror-  
18 ists’ country of origin or residence;

19 (ii) such rewards are prominently ad-  
20 vertised in the mass media and public sites  
21 in all countries or regions where such ter-  
22 rorists reside;

23 (iii) the names and photographs and  
24 suspects in all such cases are included on  
25 the website; and

1 (iv) the names of the specific organi-  
2 zations claiming responsibility for terrorist  
3 attacks mentioned on the site are included  
4 in the descriptions of those attacks.

5 (2) NOTIFICATION PROGRAM.—The Office shall  
6 establish and administer a program—

7 (A) comparable to the VINE system for  
8 notification of crime victims; and

9 (B) that will provide notification for Amer-  
10 ican victims of overseas terrorism or their im-  
11 mediate family to update them on the status of  
12 efforts to capture the terrorists who harmed  
13 them.

14 (3) GOVERNMENT REPRESENTATION.—The Of-  
15 fice shall send an official United States Government  
16 representative to attend the funeral of every Amer-  
17 ican victim of terrorism overseas.

18 (4) REPORT.—The Office shall assume respon-  
19 sibility for providing twice-annual reports to Con-  
20 gress as required by section 805 of the Admiral  
21 James W. Nance and Meg Donovan Foreign Rela-  
22 tions Authorization Act, Fiscal Years 2000 and  
23 2001.

24 (5) PROFITING FROM CRIMES.—The Office  
25 shall work with other United States Government

1 agencies to expand legal restrictions on the ability of  
2 murderers to reap profits from books or movies con-  
3 cerning their crimes so as to ensure that terrorists  
4 who harm American citizens overseas are unable to  
5 profit from book or movie sales in the United States.

6 (6) TERRORISTS AS POLICE.—The Office  
7 shall—

8 (A) determine if terrorists who have  
9 harmed American citizens overseas are serving  
10 in their local police or security forces; and

11 (B) if it is found that terrorists who have  
12 harmed American citizens overseas are serving  
13 in their local police or security forces—

14 (i) alert those United States Govern-  
15 ment agencies involved in providing assist-  
16 ance, directly or indirectly, to those forces;  
17 and

18 (ii) request of those agencies that all  
19 such assistance be halted until the afore-  
20 mentioned terrorists are removed from  
21 their positions.

22 (7) PATTERNS OF PROSECUTION.—The Office  
23 shall—

24 (A) undertake a comprehensive assessment  
25 of the pattern of United States indictments and

1 prosecution of terrorists who have harmed  
2 American citizens overseas, in order to deter-  
3 mine the reasons for the absence of indictments  
4 of terrorists residing in some regions, such as  
5 the territories controlled by the Palestinian Au-  
6 thority; and

7 (B) provide the assessment to the Attorney  
8 General and to Congress, together with its rec-  
9 ommendations.

10 (8) MONITORING.—The Office shall—

11 (A) monitor public actions by governments  
12 and regimes overseas pertaining to terrorists  
13 who have harmed American citizens, such as  
14 the naming of schools, streets, or other public  
15 institutions or sites after such terrorists; and

16 (B) in such instances, encourage other  
17 United States Government agencies to halt  
18 their provision of assistance, directly or indi-  
19 rectly, to those institutions.

20 (9) COMPENSATION.—The Office shall initiate  
21 negotiations to secure appropriate financial com-  
22 pensation for American citizens, or the families of  
23 such citizens, who were harmed by organizations  
24 that claim responsibility for acts of terrorism against  
25 Americans overseas and that subsequently become

1 part of a governing regime with which the United  
2 States Government maintains diplomatic or other of-  
3 ficial contacts, such as the Palestinian Authority.

4 (10) INCARCERATED TERRORISTS.—The Office  
5 shall—

6 (A) monitor the incarceration abroad of  
7 terrorists who harmed Americans overseas, to  
8 ensure that their conditions of incarceration are  
9 reasonably similar to conditions of incarceration  
10 in the United States; and

11 (B) in cases where terrorists who have  
12 harmed Americans overseas, and are subse-  
13 quently released from incarceration abroad, are  
14 eligible for further prosecution in the United  
15 States, coordinate with other Government agen-  
16 cies to seek the transfer of those terrorists to  
17 the United States for further prosecution.

18 (11) PERSONA NON GRATA.—The Office shall  
19 strive to ensure that all terrorists who have harmed  
20 Americans overseas are treated by the United States  
21 Government as persona non grata, including steps  
22 such as—

23 (A) denying those individuals visas for  
24 entry to the United States;



1           (B) urging United States Government  
2           agencies to refrain from political and diplomatic  
3           contacts with those individuals; and

4           (C) instructing United States embassies  
5           and consulates to urge American visitors to  
6           those countries to refrain from patronizing  
7           businesses that are owned or operated by such  
8           individuals.

9   **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

10       (a) IN GENERAL.—There are authorized to be appro-  
11       priated for fiscal year 2003 and each subsequent fiscal  
12       year such sums as may be necessary to carry out this Act.

13       (b) AVAILABILITY.—Amounts appropriated pursuant  
14       to the authorization of appropriations under subsection (a)  
15       are authorized to remain available until expended.

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